

JOURNAL OF THE SENATE

NINETIETH SESSION

NINETEENTH DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Tuesday, February 10, 2015

The Senate convened at 2:00 p.m., pursuant to adjournment, the President presiding.

The prayer was offered by the Chaplain, Rev. Josh Baumann, followed by the Pledge of Allegiance led by Senate pages Caroline Crinion and Andrew Silva.

Roll Call: All members present except Sens. Curd and Novstrup (David) who were excused.

APPROVAL OF THE JOURNAL

MR. PRESIDENT:

The Committee on Legislative Procedure respectfully reports that the Secretary of the Senate has had under consideration the Senate Journal of the eighteenth day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,
Corey Brown, Chair

Which motion prevailed.

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1 Also MR. PRESIDENT:

2 The Committee on Commerce and Energy respectfully reports that it has had under
3 consideration the nomination of Robert H. Hartford of Hughes County, Pierre, South Dakota,
4 to the South Dakota Lottery Commission and returns the same with the recommendation that
5 the Senate advise and consent to the confirmation of said reappointment and that said
6 reappointment be placed on the consent calendar.

7 Also MR. PRESIDENT:

8 The Committee on Commerce and Energy respectfully reports that it has had under
9 consideration SB 138 which was tabled.

10 Respectfully submitted,
11 Brock Greenfield, Vice Chair

12 Also MR. PRESIDENT:

13 The Committee on Judiciary respectfully reports that it has had under consideration SB 154
14 and returns the same with the recommendation that said bill do pass and be placed on the
15 consent calendar.

16 Also MR. PRESIDENT:

17 The Committee on Judiciary respectfully reports that it has had under consideration SB 123
18 which was deferred to the 41st Legislative Day.

19 Respectfully submitted,
20 Craig Tieszen, Chair

21 Also MR. PRESIDENT:

22 The Committee on Agriculture and Natural Resources respectfully reports that it has had
23 under consideration SB 129 and returns the same with the recommendation that said bill do
24 pass.

25 Also MR. PRESIDENT:

26 The Committee on Agriculture and Natural Resources respectfully reports that it has had
27 under consideration HB 1006, 1039, 1040, and 1056 and returns the same with the
28 recommendation that said bills do pass and be placed on the consent calendar.

1 Also MR. PRESIDENT:

2 The Committee on Agriculture and Natural Resources respectfully reports that it has had
3 under consideration SB 167 which was deferred to the 41st Legislative Day.

4 Respectfully submitted,
5 Gary Cammack, Chair

6 **MESSAGES FROM THE HOUSE**

7 MR. PRESIDENT:

8 I have the honor to transmit herewith HB 1048, 1080, 1089, 1100, 1103, 1113, 1122, 1128,
9 1129, 1137, 1144, 1155, 1176, and 1189 which have passed the House and your favorable
10 consideration is respectfully requested.

11 Respectfully,
12 Arlene Kvislen, Chief Clerk

13 **MOTIONS AND RESOLUTIONS**

14 Sen. Rave moved that SB 91, 92, 136, and 168 be placed on the calendar of Wednesday,
15 February 11, the 20th legislative day.

16 Which motion prevailed.

17 **CONSIDERATION OF REPORTS OF COMMITTEES**

18 Sen. Rave moved that the reports of the Standing Committees on
19 Health and Human Services on SB 169 as found on page 329 of the Senate Journal; also
20 State Affairs on SB 190 as found on page 337 of the Senate Journal; also
21 State Affairs on SB 1 as found on page 329 of the Senate Journal be adopted.
22 Which motion prevailed.

1 **FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

2 HB 1048: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding state
3 hosting and employee reimbursement policies.

4 Was read the first time and referred to the Committee on Appropriations.

5 HB 1080: FOR AN ACT ENTITLED, An Act to authorize the use of investigational
6 treatments for patients under certain conditions and to restrict certain causes of action arising
7 from investigational treatment.

8 Was read the first time and referred to the Committee on Health and Human Services.

9 HB 1089: FOR AN ACT ENTITLED, An Act to ban the practice of female genital
10 mutilation in the state, to provide a penalty therefor, and to declare an emergency.

11 Was read the first time and referred to the Committee on Health and Human Services.

12 HB 1100: FOR AN ACT ENTITLED, An Act to clarify how a vacancy on a school board
13 is filled.

14 Was read the first time and referred to the Committee on Education.

15 HB 1103: FOR AN ACT ENTITLED, An Act to revise certain provisions relating to
16 comparative negligence.

17 Was read the first time and referred to the Committee on Commerce and Energy.

18 HB 1113: FOR AN ACT ENTITLED, An Act to repeal and revise certain motor vehicle
19 and boat damage and salvage disclosure requirements.

20 Was read the first time and referred to the Committee on Transportation.

21 HB 1122: FOR AN ACT ENTITLED, An Act to authorize township boards to designate
22 certain roads as no maintenance roads.

23 Was read the first time and referred to the Committee on Transportation.

24 HB 1128: FOR AN ACT ENTITLED, An Act to protect certain homestead exemption
25 interests during sale of homestead or separation of owners.

1 Was read the first time and referred to the Committee on Judiciary.

2 HB 1129: FOR AN ACT ENTITLED, An Act to revise the property exempt from process
3 in bankruptcy cases.

4 Was read the first time and referred to the Committee on Judiciary.

5 HB 1137: FOR AN ACT ENTITLED, An Act to exclude the passing time between classes
6 in the number of hours required in the school term for secondary students.

7 Was read the first time and referred to the Committee on Education.

8 HB 1144: FOR AN ACT ENTITLED, An Act to repeal and revise certain unnecessary and
9 outdated provisions related to state affairs and government.

10 Was read the first time and referred to the Committee on State Affairs.

11 HB 1155: FOR AN ACT ENTITLED, An Act to require that information be provided to
12 a pregnant mother whose child tests positive for Down syndrome.

13 Was read the first time and referred to the Committee on Health and Human Services.

14 HB 1176: FOR AN ACT ENTITLED, An Act to authorize a person to be on the general
15 election ballot for president or vice president and another office.

16 Was read the first time and referred to the Committee on State Affairs.

17 HB 1189: FOR AN ACT ENTITLED, An Act to make an appropriation to fund tax refunds
18 for elderly persons and persons with a disability and to declare an emergency.

19 Was read the first time and referred to the Committee on Appropriations.

20 **SECOND READING OF CONSENT CALENDAR BILLS AND RESOLUTIONS**

21 SB 126: FOR AN ACT ENTITLED, An Act to revise certain publications date citations
22 for references to the International Building Code and International Property Maintenance Code.

23 Was read the second time.

24 The question being "Shall SB 126 pass?"

1 And the roll being called:

2 Yeas 33, Nays 0, Excused 2, Absent 0

3 Yeas:

4 Bradford; Brown; Buhl O'Donnell; Cammack; Ewing; Frerichs; Greenfield (Brock); Haggar
5 (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil);
6 Lederman; Monroe; Olson; Omdahl; Otten (Ernie); Parsley; Peters; Peterson (Jim); Rampelberg;
7 Rave; Rusch; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; White

8 Excused:

9 Curd; Novstrup (David)

10 So the bill having received an affirmative vote of a majority of the members-elect, the
11 President declared the bill passed and the title was agreed to.

12 SB 137: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the term
13 of the Executive Board of the Legislative Research Council.

14 Was read the second time.

15 The question being "Shall SB 137 pass?"

16 And the roll being called:

17 Yeas 33, Nays 0, Excused 2, Absent 0

18 Yeas:

19 Bradford; Brown; Buhl O'Donnell; Cammack; Ewing; Frerichs; Greenfield (Brock); Haggar
20 (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil);
21 Lederman; Monroe; Olson; Omdahl; Otten (Ernie); Parsley; Peters; Peterson (Jim); Rampelberg;
22 Rave; Rusch; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; White

23 Excused:

24 Curd; Novstrup (David)

25 So the bill having received an affirmative vote of a majority of the members-elect, the
26 President declared the bill passed and the title was agreed to.

27 **SECOND READING OF SENATE BILLS AND JOINT RESOLUTIONS**

28 SB 81: FOR AN ACT ENTITLED, An Act to require persons convicted of driving a
29 vehicle while under influence of alcohol, drugs, or intoxicants to pay certain costs to the county.

30 Was read the second time.

1 The question being "Shall SB 81 pass?"

2 And the roll being called:

3 Yeas 30, Nays 3, Excused 2, Absent 0

4 Yeas:

5 Brown; Cammack; Ewing; Frerichs; Greenfield (Brock); Haggar (Jenna); Haverly; Heineman
6 (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil); Lederman; Monroe; Olson; Omdahl;
7 Otten (Ernie); Parsley; Peters; Peterson (Jim); Rampelberg; Rave; Rusch; Soholt; Solano;
8 Sutton; Tieszen; Van Gerpen; Vehle; White

9 Nays:

10 Bradford; Buhl O'Donnell; Tidemann

11 Excused:

12 Curd; Novstrup (David)

13 So the bill having received an affirmative vote of a majority of the members-elect, the
14 President declared the bill passed and the title was agreed to.

15 SB 100: FOR AN ACT ENTITLED, An Act to create a leased residential property
16 classification and to establish the school district general fund levy for the property classification.

17 Was read the second time.

18 100fc

19 Sen. Peters moved that SB 100 be amended as follows:

20 On page 1, line 8, of the printed bill, delete "unit" and insert "dwelling".

21 On page 6, delete lines 20 to 24, inclusive.

22 On page 7, delete lines 1 to 24, inclusive.

23 On page 8, delete lines 1 to 3, inclusive.

24 Which motion prevailed.

25 The question being "Shall SB 100 pass as amended?"

26 And the roll being called:

27 Yeas 25, Nays 8, Excused 2, Absent 0

1 Yeas:

2 Bradford; Buhl O'Donnell; Frerichs; Greenfield (Brock); Haggar (Jenna); Haverly; Heineman
3 (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil); Lederman; Monroe; Omdahl; Otten
4 (Ernie); Parsley; Peters; Rampelberg; Rave; Rusch; Soholt; Solano; Sutton; Tidemann; White

5 Nays:

6 Brown; Cammack; Ewing; Olson; Peterson (Jim); Tieszen; Van Gerpen; Vehle

7 Excused:

8 Curd; Novstrup (David)

9 So the bill having received an affirmative vote of a majority of the members-elect, the
10 President declared the bill passed.

11 The question being on the title.

12 100fta

13 Sen. Peters moved that the title to SB 100 be amended as follows:

14 On page 1, line 1, of the printed bill, delete everything after "classification" and insert ".".

15 On page 1, delete line 2.

16 Which motion prevailed and the title was so amended.

17 **SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

18 HB 1001: FOR AN ACT ENTITLED, An Act to establish a wine direct shipment license
19 and wine carrier license to enable the direct shipments of certain wine in South Dakota.

20 Was read the second time.

21 The question being "Shall HB 1001 pass?"

22 And the roll being called:

23 Yeas 33, Nays 0, Excused 2, Absent 0

24 Yeas:

25 Bradford; Brown; Buhl O'Donnell; Cammack; Ewing; Frerichs; Greenfield (Brock); Haggar
26 (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil);
27 Lederman; Monroe; Olson; Omdahl; Otten (Ernie); Parsley; Peters; Peterson (Jim); Rampelberg;
28 Rave; Rusch; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; White

1 Excused:

2 Curd; Novstrup (David)

3 So the bill having received an affirmative vote of a majority of the members-elect, the
4 President declared the bill passed and the title was agreed to.

5 HB 1004: FOR AN ACT ENTITLED, An Act to authorize the direct sale of distilled spirits
6 from artisan distillers to retailers and wholesalers.

7 Was read the second time.

8 The question being "Shall HB 1004 pass?"

9 And the roll being called:

10 Yeas 32, Nays 1, Excused 2, Absent 0

11 Yeas:

12 Bradford; Brown; Buhl O'Donnell; Cammack; Ewing; Frerichs; Greenfield (Brock); Haggar
13 (Jenna); Haverly; Heineman (Phyllis); Holien; Hunhoff (Bernie); Jensen (Phil); Lederman;
14 Monroe; Olson; Omdahl; Otten (Ernie); Parsley; Peters; Peterson (Jim); Rempelberg; Rave;
15 Rusch; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; White

16 Nays:

17 Heinert

18 Excused:

19 Curd; Novstrup (David)

20 So the bill having received an affirmative vote of a majority of the members-elect, the
21 President declared the bill passed and the title was agreed to.

22 HJR 1001: A JOINT RESOLUTION, Making formal application to Congress to call an
23 Article V convention of the states for the sole purpose of proposing a federal balanced budget
24 amendment.

25 Was read the second time.

26 The question being "Shall HJR 1001 pass?"

27 And the roll being called:

28 Yeas 17, Nays 15, Excused 3, Absent 0

1 Yeas:

2 Brown; Cammack; Haggar (Jenna); Heineman (Phyllis); Holien; Jensen (Phil); Lederman;
3 Monroe; Omdahl; Otten (Ernie); Rampelberg; Rusch; Solano; Tieszen; Van Gerpen; Vehle;
4 White

5 Nays:

6 Bradford; Buhl O'Donnell; Ewing; Frerichs; Greenfield (Brock); Haverly; Heinert; Hunhoff
7 (Bernie); Olson; Parsley; Peterson (Jim); Rave; Sohlt; Sutton; Tidemann

8 Excused:

9 Curd; Novstrup (David); Peters

10 So the resolution not having received an affirmative vote of a majority of the members-
11 elect, the President declared the resolution lost.

12 Sen. Otten (Ernie) announced his intention to reconsider the vote by which HJR 1001 lost.

13 Sen. Rave moved that HB 1069, 1055, 1058, 1059, 1063, 1043, 1057, 1051, and 1013 be
14 deferred to Wednesday, February 11, the 20th legislative day.

15 Which motion prevailed.

16 **SIGNING OF BILLS**

17 The President publicly read the title to

18 HB 1007: FOR AN ACT ENTITLED, An Act to revise and update certain provisions
19 relating to the South Dakota Retirement System.

20 HB 1008: FOR AN ACT ENTITLED, An Act to provide for a consistent refund
21 methodology for members of the South Dakota Retirement System and their beneficiaries.

22 HB 1009: FOR AN ACT ENTITLED, An Act to limit the recovery of certain
23 overpayments made by the South Dakota Retirement System.

24 HB 1010: FOR AN ACT ENTITLED, An Act to revise certain provisions relating to
25 disability and surviving spouse benefits for members of the South Dakota Retirement System.

26 HB 1011: FOR AN ACT ENTITLED, An Act to provide for automatic increases in the
27 accounts of automatically-enrolled participants of the deferred compensation plan of the South
28 Dakota Retirement System.

29 HB 1053: FOR AN ACT ENTITLED, An Act to repeal and revise certain outdated
30 provisions related to the Department of Game, Fish and Parks.

1 HB 1054: FOR AN ACT ENTITLED, An Act to revise certain record keeping and
2 inspection requirements for fur dealers.

3 And signed the same in the presence of the Senate.

4 Sen. Heineman (Phyllis) moved that the Senate do now adjourn, which motion prevailed
5 and at 4:14 p.m. the Senate adjourned.

6 Kay Johnson, Secretary